

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                      |   |                         |
|----------------------|---|-------------------------|
| LESLIE PAUL HOWARTH, | : |                         |
| Plaintiff            | : |                         |
| v.                   | : | Civil Action No. 05-16J |
| THE ORCHARD,         | : |                         |
| Defendant            | : |                         |

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 2, 2005, docket no. 11, recommending that the complaint be dismissed for lack of standing.

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation or to amend the complaint. Plaintiff has not filed objections or an amended complaint, and the time to do so has expired.

After review of the record of this matter together with the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 26<sup>th</sup> day of September, 2005, it is

ORDERED that the complaint is dismissed. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Gary L. Lancaster", written over a horizontal line.

GARY L. LANCASTER,  
UNITED STATES DISTRICT JUDGE

cc:

Leslie Paul Howarth, Ph.D.  
211 Bentwood Avenue  
Johnstown, PA 15904-1333